

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
JUDICIARY**

**Wednesday, June 29, 2005    10:30 a.m.**

**Room 308 House Office Building**

---

The House Standing Committee on Judiciary was called to order by **Representative Tonya Schuitmaker**, Vice-Chair.

**MEMBERS PRESENT:** Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith.

**MEMBERS ABSENT/EXCUSED:** Representatives Condino and McConico.

**Vice-Chair Schuitmaker** laid **HB 4673** and **HB 4674** before the committee:

HB 4673	Pavlov	Crimes; controlled substances; distribution of a controlled substance to another individual who dies as a result of the substance; prohibit and provide penalty.
HB 4674	Pavlov	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of unlawful delivery of a controlled substance resulting in the death of another person; enact.

**TESTIMONY**

**Representative Pavlov**, sponsor of HB 4673 and HB 4674, explained his bills to the committee.

Letter submitted by **Gary A. Fletcher, P.C.** to Representative Pavlov, re: HB 4673 and HB 4674.

**Stuart Dunnings**, Ingham County Prosecuting Attorney, testified in support of the legislation.

**Mona Armstrong**, Assistant Prosecuting Attorney, representing the St. Clair County Office of the Prosecuting Attorney, testified in support of the legislation.

**Vice-Chair Schuitmaker** laid **HB 4865** and **HB 4866** before the committee:

HB 4865	Caul	Crimes; other; impersonating a firefighter or emergency medical service provider; prohibit and provide penalties for.
---------	------	---

HB 4866   Caul                     Criminal procedure; sentencing guidelines; sentencing guidelines for crime of impersonating a firefighter or an emergency medical service provider; establish.

**Chairman Van Regenmorter** assumed the chair.

**TESTIMONY**

**Representative Caul**, sponsor of HB 4865 and HB 4866, explained his bills to the committee.

**Leo Mioduszewski**, representing the Isabella County Sheriff's Department, testified in support of the legislation.

**Greg Walterhouse**, representing the Mt. Pleasant Fire Department, testified in support of the legislation.

**Alan Johns**, representing the Deerfield Township Fire Department, testified in support of the legislation.

**Arnold Weinfeld**, representing the Michigan Municipal League, submitted a card indicating support of the legislation and did not wish to speak.

**David Bertram**, representing the Michigan Township Association (MTA), submitted a card indicating support of the legislation and did not wish to speak.

**Chairman Van Regenmorter** laid **HB 4753** before the committee:

HB 4753   Meisner                     Crimes; other; penalties for window peeping; revise.

**TESTIMONY**

**Representative Meisner**, sponsor of HB 4753, explained his bill to the committee.

**Beryl Frenger**, Chief Probation Officer, representing the 55<sup>th</sup> Ingham County District Probation Office, testified in support of the legislation.

The committee returned to the consideration of **HB 4673** and **HB 4674**.

**Representative Nofs** moved to adopt the following amendment to **HB 4673**. The motion was supported by **Representative David Law**.

1. Amend page 1, following line 6, by inserting:  
"Enacting section 1. This amendatory act takes effect January 1, 2006."

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Nofs** moved to adopt the following amendment to **HB 4673**. The motion was supported by **Representative David Law**.

1. Amend page 1, line 1, after “A” by striking out “**CONTROLLED SUBSTANCE**” and inserting “**SCHEDULE 1 OR 2 CONTROLLED SUBSTANCE, OTHER THAN MARIHUANA,**”.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative David Law** moved to report **HB 4673** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Virgil Smith**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Rocca** moved to adopt the following amendment to **HB 4674**. The motion was supported by **Representative Jones**.

1. Amend page 2, following line 8, by inserting:  
“Enacting section 1. This amendatory act takes effect January 1, 2006.” and renumbering the remaining enacting section.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Bieda** moved to report **HB 4674** with recommendation, as amended. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 4865** and **HB 4866**.

**Representative Nofs** moved to adopt the following amendments to **HB 4865**. The motion was supported by **Representative Jones**.

1. Amend page 2, line 18, after “**MEANS**” by striking out the balance of the subdivision and inserting “**THAT TERM AS DEFINED IN SECTION 145M.**”.

2. Amend page 3, following line 1, by inserting:  
“Enacting section 1. This amendatory act takes effect January 1, 2006.”.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Elsenheimer** moved to report **HB 4865** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Bieda** moved to adopt the following amendment to **HB 4866**. The motion was supported by **Representative Rocca**.

1. Amend page 3, following line 1, by inserting:  
“Enacting section 1. This amendatory act takes effect January 1, 2006.” and renumbering the remaining enacting section.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Nofs** moved to report **HB 4866** with recommendation, as amended. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

The committee returned to the consideration of **HB 4753**.

**Representative Elsenheimer** moved to adopt the following amendment to **HB 4753**. The motion was supported by **Representative Bieda**.

1. Amend page 2, following line 5, by inserting:  
“Enacting section 1. This amendatory act takes effect January 1, 2006.”.

The motion prevailed by a vote of **13-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

**Representative Bieda** moved to report **HB 4753** with recommendation, as amended. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **12-0-0**.

**FAVORABLE ROLL CALL:**

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini and Bieda,

Nays: None,

Pass: None.

**Representative Bieda** moved to excuse absent members from committee. The motion was supported by **Representative Rocca**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:29 a.m.

---

**Representative William Van Regenmorter, Chair**  
**House Standing Committee on Judiciary**  
Malika Abdur-Rashid  
Committee Clerk  
517-373-7256  
59 minutes